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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,049	08/21/2006	Klaus Niesen	3786	8093
7590 Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743	04/07/2010		EXAMINER PHAM, LAM P	
		ART UNIT 2612	PAPER NUMBER	
		MAIL DATE 04/07/2010	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/590,049	NIESEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LAM P. PHAM	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 9/23/2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 and 11-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 and 11-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/24/2009</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-8, 11-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Neff et. al.** (US 2004/0233054).

**Re claim 1**, Neff discloses a device for registering an opening of a closure (door) of spaces (container or cargo) to be secured comprising:

a sealing module (21) having a sensor (22) including a position sensor ([0019]-[0022], in which [0019] clearly indicated that “the position of the door or opening device” are being detected, thereby meeting the claimed “position sensor”), a microprocessor (48), a memory (tag memory), and a wireless communication device (RFID tag 54), and attachable to the closure in such a way that the sensor detects a movement of the closure ([0020]) and writes data documenting the movement of the closure into the memory ([0020]); and

a detection unit (readers: mobile devices, laptops, desktop, fixed devices 30) includes at least one wireless communication device (RF transceiver,[0016]) for communicating with the sealing module, a microprocessor (controller of reader), and a memory (memory of the reader), reading out at least the data (fault signal data) documenting the movement of the closure from the memory of the sealing module as

seen in [0022] and to write said data into the memory of the detection unit for later review on a display as seen in [0030]; see figures 1-4; [0016] to [0030].

Re claim 2, Neff discloses the wireless communication devices are effective at close range (up to 300 feet) and the detection unit is mobile (mobile/handheld devices 31) as seen in figure 1; [0017].

Re claim 3, Neff discloses the wireless communication devices are RFID components (RFID tag 54) as seen in Figure 2.

Re claim 4, Neff disclose the detection unit (reader 30) is stationary (fixed devices 34) as seen in figure 1; [0030].

Re claim 6, Neff discloses the sealing module (21) is integrated into the closure as seen in [0021].

Re claim 7, Neff discloses the sealing module (21) is integrated into a closing element (wall of container) that secures the closure as seen in [0021].

Re claim 8, Neff disclose an encrypted communication is provided between the sealing module (1) and the detection unit (11) as seen in [0028] and [0029].

Re claim 11, Neff disclose the sensor (6) is a magnetic sensor (magnetic switch) as seen in [0017].

Re claim 12, Neff disclose the data that document a movement are provided with a timestamp as seen in [0020] to [0022].

Re claim 13, Neff discloses the detection unit (30) is configured to write data regarding the respective location of use into the memory of the sealing module and read out said data from the memory as seen in [0030].

Re claim 14, Neff discloses the detection unit has a program that displays the stored data regarding closures of a secured object on a screen and, with the aid of a menu, predefines a sequential check of the associated sealing modules, correspondingly displaying on the screen the respective sealing modules being checked as seen in [0030].

Re claim 15, Neff discloses the detection unit (30) includes means for connecting to a database (computer at user end), which stores all sealing and unsealing actions as well as all information regarding the opening of sealed closures as seen in [0030].

**Re claim 16**, Neff disclose a method for registering an opening of a closure (door) of spaces to be secured, comprising the steps of:

when the closure is opened, writing a signal of a sensor into a memory that is situated together with the sensor at the closure and subsequently, reading out a content of the memory via a wireless communication, stored in a detection unit and displaying the content for reviewing by user as seen in claim 1 for explanation and [0030].

Re claim 17, Neff disclose providing the wireless communication occurs by means of a RFID method as seen in figure 2; [0019].

Re claim 18, Neff disclose that after a sealing module is attached to the closure, activating the sealing module by means of a wireless communication from the detection unit as seen in [0030].

Re claim 19, Neff disclose further associating the signal of the sensor with a timestamp in the memory as seen in [0020] to [0022].

Re claim 20, Neff discloses predetermining (preprogramming) with a program (application programs) provided in the detection unit an attachment, an activation, and a reading out from the memory of a plurality of sealing modules as seen in [0028] to [0030].

Re claim 21, Neff discloses transmitting the contents of the memories of the sealing modules into a database (memories of the readers including desktop, laptops, mobile devices as seen in figure 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Neff** et. al.

Re claim 5, Neff fails to disclose the sealing module is embodied in the form of an ID01-format card. Since Neff discloses the sealing module containing RFID tag that

is well known in the art for identification and authenticating purposes when it is attached to an object in a thin-profile shape or card-shaped, and the RFID tag contains an identification number or code programmed by an RFID reader unique to the tag, it would have been obvious to one of ordinary skilled in the art to realize that the sealing module (21) containing the RFID tag of Neff to be embodied in the form of an ID01-format card or other known format as a matter of programming/protocol predefined by the cooperating reader.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neff et. al. in view of **Stieff** et al. (US 4,262,284).

Re claim 9, Neff fails to disclose the sealing module (21) has an optical display unit for indicating the current status.

Stieff et al. in same field of endeavor teach of a self-monitoring seal comprising a display (108) for displaying the current status of the seal as seen in figure 1-2 and 5-6; col. 1, lines 45-55.

In view of Stieff teaching regarding the optical display on the seal for identifying the current status of the seal, it would have been obvious to one of ordinary skilled in the art to provide the optical display as taught by Stieff and incorporate it into the sealing module of Neff such that a current status of the seal is easily and conveniently indicated to a user of the seal.

***Response to Arguments***

6. Applicant's arguments filed 9/23/2009 have been fully considered but they are not persuasive. Applicant argues that the prior art do not disclose the new features of the amended claims 1 and 16, however, examiner disagrees to this statement and now presents a detail rejection using same prior arts of record in response to the amendment as seen above. Please refer to the rejection above for explanation.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM P. PHAM whose telephone number is (571)272-2977. The examiner can normally be reached on 10AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BENJAMIN C. LEE can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 1, 2010

Lam P Pham  
Examiner  
Art Unit 2612

/BENJAMIN C. LEE/  
Supervisory Patent Examiner, Art Unit 2612